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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, August 1, 2017, at 11 a.m.

Senate

MONDAY, JULY 31, 2017

The Senate met at 4 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
Eternal God, who transforms common days into transfiguring and redemptive moments, hallowed be Your Name. Make our lawmakers great enough for these momentous times, as they seek to live worthy of Your great Name. May Your precepts keep them from life's pitfalls, guiding them through the darkness to a safe haven. Lord, cleanse the fountains of their hearts from all that defiles, so that they may be fit vessels to be used for Your glory. Let Your peace be within them, as Your Spirit inspires them to glorify You in their thoughts, words, and actions.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

NOMINATION OF KEVIN NEWSOM

Mr. MCCONNELL. Madam President, this week the Senate will continue considering a number of nominations, beginning with Kevin Newsom of Alabama to serve as judge on the Eleventh Circuit Court of Appeals.

Mr. Newsom has earned bipartisan support, having been voted out of the Judiciary Committee 18 to 2. As Chairman GRASSLEY pointed out prior to that vote, several lifelong Democrats and Republicans have penned letters to the committee touting Mr. Newsom's "professionalism and qualifications." He is an "exceptionally accomplished nominee," Chairman GRASSLEY said, "who spent the last 20 years building an impressive legal resume."

That resume includes things like clerking for an Associate Justice on the U.S. Supreme Court, serving as Alabama's solicitor general, and earning an appointment to the Advisory Committee on Appellate Rules.

For his exceptional work, Mr. Newsom has garnered a number of awards from the legal community. The American Lawyer magazine has included him on its list of America's top 50 litigators under age 45. Chambers USA has ranked him Band 1 for appellate litigation. The National Association of Attorneys General has awarded him on several occasions the Best Brief Award for his briefing before the Supreme Court.

During his impressive legal career, Mr. Newsom has argued four cases before the Supreme Court, filed amicus briefs in many other cases, and argued more than 35 cases in Federal circuit courts.

As indicated by his distinguished professional background, Mr. Newsom will be an excellent addition to the court. I look forward to supporting his nomination today and confirming him to the Eleventh Circuit later this week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Newsom nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Kevin Christopher Newsom, of Alabama, to be

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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United States Circuit Judge for the Eleventh Circuit.

LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 175, Marvin Kaplan.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2020.

CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2020.

Mitch McConnell, Chuck Grassley, Marco Rubio, Deb Fischer, John Cornyn, Susan M. Collins, Lamar Alexander, Roy Blunt, Luther Strange, Pat Roberts, James Lankford, Bob Corker, Richard C. Shelby, John Barrasso, Joni Ernst, Orrin G. Hatch.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

HEALTHCARE

Mr. SCHUMER. Thank you, Madam President.

First, on the matter of healthcare. I sincerely and truly hope the events of last week are a turning point. I hope they steer this body toward a period of greater bipartisanship. We sure could use it because the problems in our healthcare system did not end last week. We Democrats know that the Affordable Care Act wasn't perfect. We want to keep what works—and there

are a lot of good things in it—and we want to fix what doesn't. We have a lot of work to do on that front.

Our first order of business should be to stabilize the individual market and then both parties should work together through regular order through committees to discuss other improvements. Chairman ALEXANDER and Ranking Member MURRAY have indicated they want to work together, have public hearings, and do this the right away. I am hopeful Chairman HATCH, Ranking Member WYDEN, both of whom have proven themselves willing and able to work across party lines, also will be willing to work closely together to address broader problems with our healthcare system.

Let me repeat. The first order of business should be to stabilize the individual market, which has been racked by uncertainty.

Right now, as insurers prepare to lock in their rates and plans for 2018, the Trump administration is dangling a massive sword of Damocles over the heads of millions of Americans, threatening to end payments the administration is supposed to make that would lower deductibles and out-of-pocket costs for so many Americans. These payments are critical to keeping healthcare costs down and keeping the markets stable. Remember, AHIP—the largest trade group of insurers—has said the uncertainty about these payments is “the single most destabilizing factor in the individual market.” That is not CHUCK SCHUMER or some Democrat saying it, it is the insurers saying it. Make no mistake, by refusing these payments, President Trump is sabotaging our healthcare system. He is actively trying to make it collapse, taking out his political loss on the American people. That is not being Presidential; that is small, it is vindictive, and it will hurt millions of Americans he has sworn to help.

In Pennsylvania and North Carolina, insurers have filed two separate sets of possible rates for 2018; one if the payments are made and one if they are not. If the payments are not made, premiums would be 20 percent higher.

Let's repeat that. If the payments are not made, if President Trump follows through on his vindictive idea of not making the payments, premiums will be 20 percent higher for the people of North Carolina and Pennsylvania. So if President Trump does not guarantee these payments permanently, Americans will have to pay a Trump tax on their premiums next year.

Let me say that again. If President Trump does not guarantee these payments, Americans will be paying a Trump tax of 20 percent higher premiums.

President Trump has a responsibility to make our healthcare system work, and millions of Americans will hold him accountable if the system implodes on his watch, if insurers leave the markets on his watch, or if their premiums go up 20 percent or more on his watch.

Of course, we in Congress could remove the uncertainty hanging over the market and take the decision out of the President's hands. We can and should guarantee these payments as soon as possible, before the insurers set their rates for next year. I urge my Republican friends to join us on Senator SHAHEEN's bill to guarantee these payments and prevent President Trump's premium tax from going into effect. Republican Senators ALEXANDER, COLLINS, HATCH, PORTMAN, and JOHNSON have all spoken about the need to do this. I hope they will help us move forward. We could get this done very quickly and show the American people that we are able to work together on healthcare in a very bipartisan way, to help keep costs down for so many ratepayers.

SANCTIONS BILL

Now, Madam President, on the matter of Russia sanctions. I was very proud last week, as nearly every Member of Congress, save five, voted to pass legislation for sanctions on Russia, Iran, and North Korea; that there was such bipartisanship on that issue. According to reports, the President will sign the legislation.

These are tough sanctions. They will have a real effect on Russia, and they are more than justified. President Putin violated the sovereignty of Ukraine, aided and abetted human rights abuses in Syria, and attacked the very foundation of our democracy by meddling in the 2016 election.

Just as importantly, the sanctions bill gives Congress the ability to review any decision to weaken, dilute, or lift sanctions on Russia. President Putin will not be able to get out from under the sting of these sanctions without the consent of Congress.

Let this be an unequivocal message to Mr. Putin and any other nation that is thinking of interfering in our elections: If you interfere with our elections, which we hold sacred, you will be sanctioned. Those sanctions will be severe.

RUSSIA INVESTIGATION

Finally, Madam President, a word on the investigation conducted by Special Counsel Mueller.

Since the beginning of the investigation of Russia's meddling in our elections both here in Congress and in the executive branch, the heavy hand of the administration has never been far away. We know that the administration solicited the help of the chairman of the House Intelligence Committee to beat back reports in the press about Russia's interference in our election, and that was after 17 intelligence agencies said that it happened. The President fired FBI Director Jim Comey and admitted on national television that he was thinking about “this Russia thing” when he did it. Then, after Special Counsel Mueller was appointed to lead the investigation, allies of the administration went on television to defame his character, to sully his reputation—a shameful ploy to degrade a man with